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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,515	10/31/2001	Yuko Takahashi	16869S-037400US	4257

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EXAMINER

DURAN, ARTHUR D

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 06/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/002,515

Applicant(s)

TAKAHASHI ET AL.

Examiner

Arthur Duran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) 9-11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1.5.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

1. Claims 1-8, 12 have been examined.

Election/Restrictions

2. Applicant's election without traverse of Group I (claims 1-8, 12) in the reply filed on 4/28/04 is acknowledged. Note that the Applicant's Response to Restriction Requirement stated that Group I is claims 1-2, 12. However, as stated in the Office Action dated 3/24/04, Group I consists of claims 1-8, 12. Therefore, Examiner will proceed with prosecution presuming that when the Applicant elected the claims of Group I the Applicant intended the claims of Group I as stated in the Office Action dated 3/24/04.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 1-5, 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Dedrick (5,724,521).

Claim 1: Dedrick discloses an information providing system, comprising: a client that obtains user information and sends the information to a server (Fig. 1, Fig. 2; col 6, lines 55-60);
and

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said server that manages the user information sent from said client for each user and, based on the user information, selects information to be sent to said client (col 3, lines 49-55; col 11, lines 7-15; col 18, lines 49-53).

Claim 2, 7: Dedrick discloses the information providing system, method according to claims 1, 5 wherein said client or agent performs a pseudo conversation with a user to obtain a user's taste as the user information (col 17, lines 24-30; col 3, lines 30-50; col 10, lines 45-49).

Claim 3: Dedrick discloses the information providing system according to claim 1, wherein the information sent from said server to said client includes advertisements (col 10, lines 63-67).

Claim 4: Dedrick discloses the information providing system according to claim 1, wherein said client records information on user's operation as the user information (col 3, lines 29-50).

Claim 5: Dedrick discloses an information providing method in a network system, comprising the steps of:
preparing a plurality of agents each having its own function (col 9, lines 49-51; col 9, lines 60-65);
supplying one of the agents to a client in response to a user request (col 10, lines 45-50; col 9, lines 65-67);
collecting, by said agent, user information and sending the user information to a server; selecting information, based on the user information, from information stored in said server (col 9, lines 55-62; col 10, lines 10-16); and
sending the selected information to said agent (col 10, lines 55-64).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6, 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dedrick (5,724,521).

Claim 6: Dedrick discloses the information providing method according to claim 5.

Dedrick further discloses that said server accumulates the received user information and uses the same user information (col 10, lines 55-60); and a plurality of agents each having its own function (col 9, lines 49-51; col 9, lines 60-65; col 10, lines 55-60).

Dedrick does not explicitly disclose that the agent utilizes the profile information from the server.

However, Dedrick further discloses accumulating profile information in the client system which can be one device or can be distributed devices (col 6, lines 45-55; Fig. 2) and accumulating information in the metering server (Fig. 1, Fig. 2; col 6, lines 55-60; col 3, lines 49-55; col 11, lines 7-15; col 18, lines 49-53).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made that Dedrick's agent can utilize user profile information from one of the separart devices in the client system or from the metering server. One would have been motivated to do this in order to provide the agent access to all relevant user profile information.

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Claim 8: Dedrick discloses the information providing method according to claim 5.

Dedrick further discloses that said server sends an instruction to said client (col 6, lines 64-67) based on the user information (col 11, lines 6-15). Note that Dedrick sends an instruction for more or updated user information for the clients for which Dedrick has user information at the server.

Dedrick further discloses that said agent changes operation according to instructions (col 10, lines 55-62). Note that the agent searches for information based upon profile data in the personal profile database.

Dedrick does not explicitly disclose that it is the instruction sent by the server that causes the agent to change operation.

However, Dedrick further discloses that the agent changes operation based on information received from the server (col 10, lines 17-25; col 17, lines 10-14) and that information is sent from the server to the client that can assist the user in search decisions (col 17, lines 59-64).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add Dedrick's agent that changes operations based on information received from the server to Dedrick's instructions provided from the server to the client and Dedrick's agent that receives instructions from the client. One would have been motivated to do this in order to allow the server to provide information to the client that will assist in searching.

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5. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dedrick (5,724,521) in view of Brush (5,884,029).

Claim 12: Dedrick discloses an agent program that runs on a client in a network system, said program including code that causes a computer to execute the steps of: performing a pseudo conversation with a user; changing operation in response to an answer from the user; memorizing the user's answer and sending the answer to a server; and displaying information sent from said server (col 17, lines 24-30; col 3, lines 30-50; col 18, lines 49-52).

Dedrick further discloses utilizing an agent to assist a user (col 9, line 60- col 2, line 5).

Dedrick does not explicitly disclose displaying a human being as an animation.

However, Brush disclose displaying a human being as an animation (col 3, lines 24-49; col 7, lines 50-55).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add Brush's avatar as an agent to Dedrick's agent that assists a user. One would have been motivated to do this in order to provide a user friendly form of the agent.

Conclusion

The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

a. Bickmore (6,466,213) discloses providing human animation avatar to assist a user;

b. Barnett (6,321,208) discloses a server providing information or coupons to a user based upon user provided or user tracked information.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arthur Duran whose telephone number is (703)305-4687. The examiner can normally be reached on Mon- Fri, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (703)305-8469. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Arthur Duran
Patent Examiner
6/21/04